IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8652 of 2005

Between:

Soma Nagalaxmi, w/o Venkatesham,
H.No.3-29, Subhash Nagar, Kalwakurthy, Mahaboobnagar District.

..... PETITIONER

AND

1 The Indian Oil Corporation Limited, 3-6-436 to 438, 2nd Floor, Naspur House, Himayathnagar, Hyderabad,
rep., by its Chief Divisional Retail Sales Manager
2 The Director General, Resettlement, Ministry of Defence, West Block No.4, R.K.Puram, New Delhi.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus i) declaring the order of the respondent No.1 in not selecting the petitioner for allotment of Retail Outlet Dealership at Bodamatpalli Cross Roads, advertised at Sl.No.83 of the notification issued by the respondent No.1 in Eenadu Daily News Paper dated 19-12-2003, as arbitrary, illegal, violative of the Articles 14, 21 and 300A of the Constitution of India; ii) direct the respondent No.1 to allot the dealership at Sl.No.83 of the notification dated 19-12-2003 to the petitioner; iii) direct the respondent No.2 to issue the petitioner the Eligibility Certificate; and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.1: MR.P.V.SANJAY KUMAR

Counsel for the Respondent No.2: MR.A. RAJASEKHAR REDDY (C.G STANDING COUSNEL)

The Court at the admission stage made the following O R D E R:

This writ petition is filed to declare the order of the respondent No.1 in not selecting the petitioner for allotment of Retail Outlet Dealership at Bodamapalli Cross Roads, as illegal and arbitrary. The petitioner further seeks a direction to the respondents to allot the dealership and issue Eligibility Certificate.

Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent.

Admittedly, the petitioner failed to produce Eligibility Certificate issued by the Directorate General of Resettlement (DGR) at the time of making application. Therefore, the petitioner's case was rejected. Hence, the petitioner cannot be selected for allotment of Retail Outlet Dealership. Insofar as issuance of Eligibility Certificate is concerned, the second respondent has to take appropriate decision. The second respondent is directed to consider the application of the petitioner within a period of eight weeks from the date of receipt of a copy of this order, provided the application of the petitioner is pending with the second respondent.

To the extent indicated above, the writ petition is allowed. No costs.

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(K.C.BHANU,J)

Dt:21st April, 2005

usd

To

1 The Chief Divisional Retail Sales Manager, Indian Oil Corporation Limited, 3-6-436 to 438, 2nd Floor, Naspur House, Himayathnagar, Hyderabad,
2 The Director General, Resettlement, Ministry of Defence, West Block No.4, R.K.Puram, New Delhi.

3 2 CD copies

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